

ORIGINAL

2018-04586J / Court: 315

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LAVARVIA JONES 182-3
NIESHA EDWARDS 182-3

CAUSE NO. _____

IN THE INTEREST OF

IN THE DISTRICT COURT OF

CHARLOTTE BRIGHT
MASON BRIGHT

HARRIS COUNTY, TEXAS

CHILDREN

_____ JUDICIAL FAMILY/JUVENILE DISTRICT

**ORDER FOR PROTECTION OF A CHILD IN AN EMERGENCY
AND NOTICE OF HEARING**

On September 19, 2018, the Department of Family and Protective Services ("the Department") presented its Petition to the Court.

1. Appearances

- 1.1. The Department of Family and Protective Services ("the Department") appeared through LAVARVIA JONES, caseworker, and by attorney and announced ready.
- 1.2. Respondent **MOTHER MELISSA VERRILL BRIGHT**
- ☐ appeared in person and announced ready.
 - ☒ appeared through attorney of record John Meusel and announced ready.
 - ☐ appeared in person and through attorney of record _____ and announced ready.
 - ☐ waived issuance and service of citation by waiver duly filed.
 - ☐ agreed to the terms of this order as evidenced by signature below.
 - ☒ although duly and properly notified, did not appear and wholly made default.
 - ☐ was not notified, and did not appear.
- 1.3. Respondent **FATHER MICHAEL DILLON BRIGHT**
- ☐ appeared in person and announced ready.
 - ☒ appeared through attorney of record Ryan Mitchell and announced ready.
 - ☐ appeared in person and through attorney of record _____ and announced ready.
 - ☐ waived issuance and service of citation by waiver duly filed.
 - ☐ agreed to the terms of this order as evidenced by signature below.
 - ☒ although duly and properly notified, did not appear and wholly made default.
 - ☐ was not notified, and did not appear.

- 1.4. Daisy Lenzworth, appointed by the Court as Attorney and Guardian Ad Litem of record for the children the subject of this suit,
☒ appeared and announced ready.
☐ agreed to the terms of this order.
☐ agreed to the terms of this order, but did not appear
☐ although duly and properly notified, did not appear.

1.5. Also Appearing

2. Jurisdiction

Having examined the pleadings and reviewed the evidence, the Court finds that it has jurisdiction of this cause under §262.002, Texas Family Code.

3. Findings

3.1. Having examined and reviewed the evidence, including the sworn affidavit accompanying the petition and based upon the facts contained therein, the Court finds that all reasonable efforts, consistent with time and circumstances have been made by the Petitioner to prevent or eliminate the need for removal of the children the subject of this suit from the home and to make it possible for the children to return home, but continuation in the home would be contrary to the children's welfare.

3.2. The Court finds that:

3.2.1. there is an immediate danger to the physical health or safety of the children or the children have been the victims of neglect, sexual abuse, or human trafficking under §§20.A.02 or 20.A.03, Penal Code and that continuation in the home would be contrary to the children's welfare; and

3.2.2. there is no time, consistent with the physical health or safety of the children, for a full adversary hearing and reasonable efforts consistent with the circumstances and providing for the safety of the children, were made to prevent or eliminate the need for removal of the children.

3.3. The Court finds that the following temporary orders are in the best interests of the children the subject of this suit.

4. Emergency Temporary Orders

4.1.1. **IT IS ORDERED** that the Department is appointed Emergency Temporary Sole Managing Conservator of the children, with all of the rights and duties listed in §153.371, Texas Family Code, until a full

adversary hearing is held. **IT IS ORDERED** that in addition to the rights and duties listed in §153.371, Texas Family Code, the Department its employee or designee is authorized to consent to medical care of the subject children, pursuant to §266.004, Texas Family Code, until a full adversary hearing is held.

- 4.2. **IT IS ORDERED** that each Parent, Alleged Father or Relative to this cause provide to the Department and the Court the full name and current address or whereabouts and phone number of any absent parent of the children the subject of this suit, pursuant to Rule 194, Texas Rules of Civil Procedure.
- 4.3. **IT IS ORDERED** that each Parent, Alleged Father or Relative of the children before the Court submit the Child Placement Resources Form provided under §261.307, if the form has not previously been provided within three days of the signing of this order and provide the Department and the Court the full name and current address or whereabouts and phone number of any and all relatives of the children the subject of this suit with whom the Department may place the children during the pendency of this suit, pursuant to Rule 197, Texas Rules of Civil Procedure, and §262.201, Texas Family Code.
- 4.4. **IT IS ORDERED** that each parent of the children the subject of this suit furnish to the Department and the Court information sufficient to accurately identify that parent's net resources and ability to pay child support along with copies of income tax returns for the past two years, any financial statements, bank statements, and current pay stubs, pursuant to Rule 196, Texas Rules of Civil Procedure and §154.063, Texas Family Code.
- 4.5. **IT IS ORDERED** that each parent of the children the subject of this suit provide to the Department and the Court evidence of health insurance available for the children, pursuant to Rule 196, Texas Rules of Civil Procedure and §154.182, Texas Family Code.
- 4.6. **IT IS ORDERED** that each Respondent provide the Department and the Court information sufficient to establish the parentage and immigration status of the children, including but not limited to marriage records, birth or death certificates, baptismal records, social security cards, records of lawful permanent residence ("green cards"), naturalization certificates, and any other records of the United States Citizenship and Immigration Services and records of Indian ancestry or tribal membership..
- 4.7. **IT IS ORDERED** that each Respondent furnish to the Department all information necessary to ensure the Department has an adequate medical history for the children, including but not limited to the immunization records for the children and the names and addresses of all treating physicians. **IT IS FURTHER ORDERED** that each parent provide the medical history of the parent and the parent's ancestors on the medical history report form, pursuant to §161.2021, Texas Family Code.

- 9.2. Without requiring a further order or release, the custodian of any relevant records relating to the children, **Charlotte Bright And Mason Bright**, including records regarding social services, law enforcement records, school records, records of a probate or court proceeding, and records of a trust or account for which the children are beneficiaries, shall provide access to the attorney *ad litem* for the children, or guardian *ad litem* for the children herein named and appointed by the Court to access the records under §107.006(a) of the Texas Family Code.
- 9.3. A medical, mental health, or drug or alcohol treatment record of a child that is privileged or confidential under law may be released to the attorney *ad litem* for the children, or guardian *ad litem* for the children herein named and appointed by the Court only in accordance with the other law, pursuant to §107.006(c), Texas Family Code.

10. **Notice to Parents**

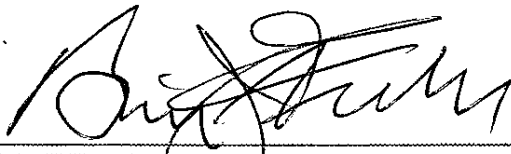
"YOU HAVE THE RIGHT UNDER §262.102(d), TEXAS FAMILY CODE, TO BE REPRESENTED BY AN ATTORNEY. IF YOU ARE INDIGENT AND UNABLE TO AFFORD AN ATTORNEY, YOU HAVE THE RIGHT TO REQUEST THE APPOINTMENT OF AN ATTORNEY BY CONTACTING THE COURT AT 30 JUDICIAL DISTRICT COURT OF HARRIS COUNTY, THE JUVENILE JUSTICE CENTER, 1200 CONGRESS, HOUSTON TX 77002. IF YOU APPEAR IN OPPOSITION TO THE SUIT, CLAIM INDIGENCE, AND REQUEST THE APPOINTMENT OF AN ATTORNEY, THE COURT WILL REQUIRE YOU TO SIGN AN AFFIDAVIT OF INDIGENCE AND THE COURT MAY HEAR EVIDENCE TO DETERMINE IF YOU ARE INDIGENT. IF THE COURT DETERMINES YOU ARE INDIGENT AND ELIGIBLE FOR APPOINTMENT OF AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO REPRESENT YOU."

11. **Dismissal Date and Notice of Full Adversary Hearing:**

Pursuant to §263.401, Texas Family Code, the Court determines that the date for dismissal of this cause shall be ~~10-3-18~~ 9-23-19.

Notice is given to Respondents **MELISSA VERRILL BRIGHT** and **MICHAEL DILLON BRIGHT** that this cause is set for a full adversary hearing on 10-3-18, at 930 o'clock Am. in the 315 Judicial District Court of Harris County, in Houston, Texas.

SIGNED this _____ day of _____, 2018.


MASTER OF THE COURT

SIGNED this _____ day of _____, 2018.

JUDGE PRESIDING